

No. 9(1)-81-8Lab/1429.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Sonipat Engineering Works, Sonipat.

**BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT
HARYANA, ROHTAK**

Reference No. 115 of 1980

between

**SHRI BNARSI DASS, WORKMAN AND THE MANAGEMENT OF M/S SONEPAT
ENGINEERING WORKS SONIPAT**

Present.—

Shri Ram Sarup, for the workman.

Shri Kanwal Singh, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor, *vide* his order No. ID/SPT/38-80/30615, dtd 20th June, 1980 under section 10(1)(c) of the I.D. Act, for adjudication of the dispute existing between Shri Banarsi Dass, workman and the management of M/s Sonipat Engineering Works Sonipat. The term of the reference was .

Whether the termination of services of Shri Banarsi Dass was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties who appeared in response to the same on 18th March, 1980. The workman did not file his statement of claim or two till the date of hearing on 9th December, 1980 the management filed the settlement reached with the workman and also produced a full and final receipt for the payment of his dues. The workman representative verified the above said settlement and gave his statement with regard to the same on 8th January, 1981. In view of the statement of the workman representative and the full and final receipt executed by the workman I arrived at the conclusion that there is no dispute left to be adjudicated upon and the parties have settled between themselves the same. Award is given accordingly and returned in the above terms. No order as to costs.

BANWARI LAL DALAL,

**Presiding Officer,
Labour Court Haryana,
Rohtak.**

No. 242, dated 2nd February, 1981

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

**Presiding Officer,
Labour Court, Haryana,
Rohtak.**

No. 9(1)-81-8Lab/1431.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Shanti Selcott Industries, Bahadurgarh :—

**BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK**

Reference No. 169 of 1977

between

**SHRI RAM KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. SHANTI SELCOTT
INDUSTRIES, BAHADURGARH**

Present.—

Shri Rajinder Singh, for the workman.

Shri M. M. Kaushal, for the management.

AWARD

This reference No. 16th of IC has been referred to the court by the Haryana Governor under his order No. ID/RK/22nd, dated 2nd December, 1977, under section 17(1) of the Act for adjudication of the dispute existing between Shri Ram Kumar, certain and management of M/s Shanti Select Industries, Bahadurgarh. The term of the reference was:

Whether the termination of services of Shri Ram Kumar was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices of appearance were issued to the parties who appeared in response to the same, filed their respective pleadings, issues were framed. The parties arrived at a mutual amicable settlement on 14th March, 1980 and their statements were recorded as under:-

Statement of Shri Ramu Aggarwal, partner of the respondent :-

"The workman has settled his claim and the dispute under reference. The management shall pay Rs. 50 in lieu of all his claims. The workman shall forgo his right of reinstatement or re-employment. The payment shall be paid before the Labour Officer, Sonipat on 19th March, 1980."

Statement of Shri Rajinder Singh, representative of the workman :-

"I have heard the statement of Sri Ramu Aggarwal and I think the same is correct."

In view of the statement, no further proceeding is called for as the parties has settled the dispute mutually. The reference is answered and returned accordingly. No order as to costs.

Dated the 29th January, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst. No. 244, dated 2nd February, 1981.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9(1)81-8Lab/1440.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Shanti Select Industries, Bahadurgarh.

**BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA ROHTAK**

Reference No. 170 of 1977

between

**SHRI LUXMI MANJHI, WORKMAN AND THE MANAGEMENT OF M/S SHANTI
SELCOTT INDUSTRIES, BAHADURGARH**

Present.—

Shri Rajinder Singh, for the workman.

Shri M. M. Kaushal, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. ID/RTK/459-77/52238, dated 23th December, 1977 under section 10(i) (c) of the I. D. Act for adjudication of the dispute existing between Shri Luxmi Manjhi, workman and the management M/s Shanti Selcott Industries, Bahadurgarh. The term of the reference was :—

Whether the termination of Shri Laxmi Manjhi, was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties who appeared in response to the same. filed their respective pleadings, issues were framed, The parties arrived at a mutual amicable settlement on 14th March, 1980 and their statements were recorded as under :—

Statement of Shri Raman Aggarwal partner of the respondent :

“The workman has settled his claim and the dispute under reference. The management shall pay Rs 500 in lieu of all his claim. The workman shall forgo his right of reinstatement or re-employment. The payment shall be paid before the Labour Officer, Sonepat on 19th March, 1980”.

Statement of Shri Rajinder Singh, representative of the workman :--

I have heard the statement of Shri Raman Aggarwal and I admit the same as correct.

In view of their statements no further adjudication is required as the parties have settled the dispute mutually. The reference is answered and returned accordingly. No order as to costs.

Dated the 29th January, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst. No. 248, dated 2nd February, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9(1)81-8 Lab/1812.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad/Labour Court, Rohtak in respect of the Dispute between the workman and the management of M/S The Superintending Engineer Operation Circle, H.S.E. Board Rohtak.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT
HARYANA ROHTAK

Reference No. 2 of 1980

between

SHRI SURINDER KUMAR, WORKMAN AND THE MANAGEMENT OF M/S THE
SUPERINTENDING ENGINEER, OPERATION CIRCLE, HARYANA STATE ELECTRICITY
BOARD, ROHTAK

Present .—

Shri S. N. Vats alongwith the workman .

Shri Nitinler Pal Singh, of the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor, *vide*—his order No. ID/RTK/52-79/934, dated 9th January, 1980 U/S 10 (i)(c) of the I. D. Act for adjudication of the disputes existing between the workman Shri Surinder Kumar and management of M/S H.S.E.B. Rohtak. The term of the reference was :—

Whether the termination of service of Shri Surinder Kumar was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties who appeared in response to the same, filed their respective pleadings on the basis of which issues were framed. Before the evidence of the management be recorded the parties reached a settlement on 2nd February, 1981. The statements of the parties were recorded as under :—

Statement of Shri N. P. Singh, representative of the management :—

"The management is ready to reinstate the workman with continuity of service. The intervening period shall be treated as leave of the kind dues. The workman shall be entitled to all the benefits as if he had remained in service."

Statement of Shri Surinder Kumar, workman concerned :—

"I have heard the statement of the authorised representative of the management and accept the same as correct. Award may be given accordingly."

In view of their statements, no further adjudication is required as the parties have settled the dispute referred to this court amicably. The reference is answered and returned on the above terms.

Dated 7th February, 1981.

BANWARI LAL DLLAL,

Presiding Officer,
Labour Court, Haryana, Rohtak,

Endst. No. 334, dated 11th February, 1981.

Forwarded (four copies) to the Secretary to Govt. of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak

The 17th March, 1981

No. 9(1)81-8-Lab/2580.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. Hindustan Pottery Industries, Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT HARYANA, ROHTAK

References No. 146 to 150 all of 1977

between

WORKMEN AND THE MANAGEMENT OF M/S. HINDUSTAN POTTERY INDUSTRIES,
BAHADURGARH.

Present :—

No one for the workmen.

Shri S. K. Goswami, for the management.

AWARD

The disputes regarding the workmen namely Sarvshri Chuni Lal, Ram Nath, Komal Hira Lal and Baij Nath against the management of M/s. Hindustan Pottery Industries, Bahadurgarh were referred to this Court for adjudication,—*vide* orders No. ID/RK/449-77/50163, dated 6th December, 1977, 50157, 50151, 50145, 50139 all of dated 6th December, 1977 by the Honourable Governor under section 10 (i)(c) of the I. D. Act. The termes of references being whether the termination of services of the workmen were justified and in order. If not, to what relief are they entitled ?

On the receipt of the orders of references notices as usual were sent to the parties. The parties put in their appearances in response to the same and filed their respective pleadings on the basis of which following issues were framed :—

1. Whether the workman left his job of his own accord and free will by tendering resignation or otherwise and if so, to what effect ?
2. If issue No. 1 not proved as per reference ?

As the same issues of facts and law were involved in all these references my learned predecessor passed an order for consolidating these references on the request of the parties. I answer all these references by this same award.

The management produced five witnesses including one workman Shri Chuni Lal who was examined as MW-1. No workman came forward to lead any evidence in support of their contention after allowing due opportunities to them and on 14th March, 1980 the cases of the workmen was closed as neither the workmen nor their authorised representative appeared on this date of hearing. Arguments on behalf of the management were heard and I give my findings issuewise as under :—

ISSUE NO. 1.

The workmen have based their demand leading to this reference on the fact that the management obtained the signatures on blank papers on 21st July, 1977 under duress and terminated their services on 22nd July, 1977. The same allegations were made in their claim statements and in their rejoinder the workmen apprehend that the management was going to make use of the signatures so obtained in fabricating the resignations of the workmen in order to victimise them as was revealed from the written statement filed by the management. The management placed on file the originals of the resignation with the remarks there on for accepting of the same by the manager alongwith the vouchers for payment of their full and final dues of the same date i. e. 21st July, 1977. All the witnesses examined by the management supported the contention of the management that the workmen resigned on their own accord and received the full and final dues *vide*,—vouchers placed on the file. Even one of the workmen Shri Chuni Lal who appeared as management witness had deposed that he resigned from the respondent on his own accord but he denied having received his full and final dues and stated that all his dues to which he was entitled legally were not paid and further stated that he was not interested in reinstatement with the management as he had got a better job with the M/s. Hindustan Tyford. As none of the other workmen came forward to depose in support of his allegations it can well be presumed under the circumstances that all the workmen resigned of their own free will and have nothing to say against the alleged resignation. I am, therefore, constrained to hold that these are the cases of resignation by the workmen on their own accord and not the cases of termination by the management. I decide this issue in favour of the management and against the workmen.

ISSUE NO. 2.

In view of my findings on issue No. 1 the workmen are not entit'ed to any relief as the workmen have wilfully resigned of their jobs.

I answer the references while returning the same in these terms. The copy of this award is placed in other file of references No. 147 to 150 all of 1977.

Dated the 28th February, 1981.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 593, dated 6th March, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,
Presiding Officer.
Labour Court, Haryana, Rohtak.